

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ELIZABETH EVON NICHOLS,

Plaintiff,

No. 3:12-cv-01889-MO

v.

VERDICT FORM

**CITY OF PORTLAND, JEFFREY
McDANIEL, and DORIS PAISLEY,**

Defendants.

VERDICT FORM

We, the jury, being first duly empaneled and sworn to try the above-entitled case, do find our verdict as follows:

FIRST AMENDMENT RETALIATION CLAIM AGAINST DEFENDANT McDANIEL

1. Did Sgt. McDaniel retaliate against Ms. Nichols for engaging in speech protected under the First Amendment?

ANSWER:

Yes _____

No ☒ _____

**FOURTH AMENDMENT CLAIM FOR EXCESSIVE FORCE AGAINST DEFENDANTS
PAISLEY AND McDANIEL**

2. Did Officer Paisley use excessive force against Ms. Nichols in violation of her constitutional rights?

ANSWER: Yes _____ No ☒

3. Did Sgt. McDaniel use excessive force against Ms. Nichols in violation of her constitutional rights?

ANSWER: Yes _____ No ☒

If you answered "Yes" to Question No. 3, proceed to Question No. 4. If you answered "No" to Question No. 3, skip Questions Nos. 4 and 5, and proceed to the instructions before Question No. 6.

**CLAIM AGAINST THE CITY OF PORTLAND BASED ON AN UNCONSTITUTIONAL
POLICY OF USING PEPPER SPRAY ON PEACEFUL PROTESTERS**

4. Did the City of Portland have a policy of using pepper spray on peaceful protesters?

ANSWER: Yes _____ No _____

If you answered "Yes" to Question No. 4, proceed to question No. 5. If you answered "No" to Question No. 4, skip Question No. 5 and proceed to the instructions before Question No. 6.

5. Was the City of Portland's policy the moving force behind Sgt. McDaniel's use of pepper spray on Ms. Nichols?

ANSWER: Yes _____ No _____

DAMAGES

If you answered "Yes" to Questions Nos. 1 or 3, answer Question No. 6. If you answered "No" to Questions 1 and 3, skip Question No. 6 and proceed to the instructions before Question No. 7.

6. What are the total damages, if any, sustained by Ms. Nichols as a result of the use of pepper spray by Sgt. McDaniel?

Noneconomic: \$ _____

Nominal: \$ _____

If you answered "Yes" to Question No. 2, answer Question No. 7. If you answered "No" to Question No. 2, do not answer Question No. 7.

7. What are the total damages, if any, sustained by Ms. Nichols as a result of the use of force by Officer Paisley?

Noneconomic: \$ _____

Nominal: \$ _____

At the conclusion of your deliberations, the presiding juror must sign this verdict form and notify the courtroom deputy clerk that you have reached a verdict.

DATED this 9th day of August, 2013

Presiding Juror 